

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWPOA No.448 of 2019

Decided on: 1st September, 2026

Geeta Devi and Ors.

....Petitioners

versus

State of H.P. and Anr.

...Respondents

Coram

Hon'ble Mr.Justice Jiya Lal Bhardwaj, Judge.

Whether approved for reporting?¹

For the petitioners: Mr. Rakesh Sharma, Advocate.

**For the respondents: Mr. Anup Rattan, Advocate
General with Mr. Rupinder Singh
Thakur, Additional Advocate
General.**

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has prayed for the following substantial reliefs:

- "a) *Directing the respondents to grant work charge status to the petitioner from the due date i.e, 1996 with all consequential benefits.*
- b) *In the alternative the petitioner be ordered to be regularized after completion of 8 years and the petitioner be regularised with all consequential benefits be ordered from 5/5/2002 in view of the judgment titled Rakesh Kumar vs. State of H.P.*
- c) *Further directions be issued to the respondents to grant pension and all pensionary benefits and arrears in favour of the petitioner by extending the benefit of retirement age of 60 years instead of 58 and take back in service the petitioner with immediate effect and release all benefits*

¹ *Whether the reporters of Local Papers may be allowed to see the judgment?*

salary etc as if the petitioner has not retired and quash annexure P-4."

2. During the pendency of the present petition, the original petitioner has died and his legal representatives have been brought on record as per the order dated 10.01.2012.

3. For the purpose of deciding the controversy in the writ petition, the parties are referred as on the date of filing the writ petition.

4. The petitioner-Tara Dass, since deceased (hereinafter referred to as the 'petitioner') was appointed as part-time Chowkidar in inspection Hut at Khatnol in the Forest Circle Bhajji, Tehsil Sunni, District Shimla, H.P. on 01.01.1986. Later on, he was considered as whole-time Chowkidar from 05.05.1994 to 05.09.2007. His services were regularized by the respondents, as per office order dated 27.10.2007 and he retired from service on 31.08.2010 (A.N.) at the age of 58 years as Forest Worker.

5. It has been averred in the petition that the petitioner was working as Forest Chowkidar and was entitled to the grant of work charge status after completion of 10 years in the year 1996 and further he ought to have been retired at the age of 60 years, instead of 58 years and, therefore, prayed for a direction to the

respondents to grant him work charge status from the due date i.e. 1996 with all consequential benefits.

6. The respondents filed reply to the petition and admitted that the petitioner had served as a daily wage labourer with effect from 05.05.1994 to 31.08.2007 and also that he had retired at the age of 58 years. The petitioner was not entitled for work charge status, since he had not continuously worked for 10 years with minimum 240 days in each calendar year.

7. This Court on 08.07.2024 had taken note of the submissions made by the learned counsel for the petitioner that his case is covered by the judgment of this Court in CWP No.2735 of 2010, titled, ***Rakesh Kumar versus State of H.P. and others***, decided on 28.07.2010, and also the decision rendered in CWP No.2711 of 2017, titled, ***Baldev versus State of H.P. and others***, decided on 26.07.2022 and other decisions. On the above submissions, the learned Additional Advocate General had sought time to have instructions in the matter. The respondents had imparted the instructions vide letter dated 03.08.2024 stating that the issue in the lead case of ***Surajmani's*** case is pending before the Supreme Court. However, now an office order dated 17.08.2026 has been passed by the Deputy Conservator of Forests, Shimla Forest Division, Shimla, whereby the petitioner was granted the

work charge status notionally with effect from 01.01.2002, i.e. from the date of completion of eight years of continuous daily wage service, subject to certain conditions. Further, the wife of the petitioner, who has now been substituted as petitioner No.1 has been held entitled to admissible family pension and other consequential pensionary benefits, after taking into account the other benefits. However, the petitioner was not held entitled to the increments for a period of service rendered by him under work charge status.

8. I have heard the learned counsel for the parties and also perused the record carefully.

9. Learned counsel for the petitioner submits that since the petitioner-Tara Dass had died on 14.07.2011 and thereafter, his wife, son and daughter, who have been substituted in his place are not having any source of income, they would be satisfied, in case a direction is given to the respondents to implement the office order dated 17.08.2026 passed by the Deputy Conservator of Forests, Shimla Forest Division, Shimla within a time bound manner, so that at least wife of the petitioner is able to receive the pension and arrears of pension. He further submits that so far as the grant of the increments after conferring work charge status on the petitioner is

concerned, liberty may be given to his wife to claim the same by way of separate writ petition after receipt of pension and arrears.

10. Keeping in view the peculiar facts and circumstances of the present case coupled with the fact that wife of the petitioner- Tara Dass (deceased) is not having any source of livelihood, the present petition is disposed of with a direction to the respondents to grant pension to her on the basis of office order dated 17.08.2026, within a period of two months after completing the formalities by her. The wife of the petitioner shall deposit the amount and complete other codal formalities, which are required to be done by her within a period of two weeks from today. Liberty is reserved to the wife of the petitioner to claim increments after the decision of CWP No.6244 of 2026. However, it is made clear that in case after settling the claim for grant of pension, the arrears are not paid within three months thereafter, interest @ 6% per annum shall be paid from today till actual payment.

11. The writ petition is disposed of in the aforesaid terms. No order as to costs. Pending applications, if any, also stand disposed of.

1st September, 2026
(naveen)

(Jiya Lal Bhardwaj)
Judge